

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

JOHNNA DERLEY,

Plaintiff,

v.

SCOTT'S CRANE RENTAL, INC.,

DENNIS HODGES,

Defendants,

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No. 03-4136-CV-C-WAK

**ORDER**

NOW on this 8<sup>th</sup> day of June 2006, this cause comes before the Court to be heard. The Plaintiff appears in person and by attorney Joseph A. Cambiano, and the Defendants though lawfully advised by notice appear not.

On May 2, 2006, Judgment was entered against Defendants in the amount of \$900,000.00. Pursuant to R.S. Mo. 537.095, the matter comes before the Court to determine proper allocation of the Judgment.

The Court being fully advised finds that Plaintiff, Johnna Derley, as the surviving widow of Troy Derley and as mother and natural guardian of their minor children Alyssa and Morgan Derley are proper parties to share in distribution and allocation of the funds of the Judgment before the Court and appear through Plaintiff, Johnna Derley. The only other parties entitled to allocation of the proceeds of the Judgment are Lester and Janet Derley, who have been advised and have received notice of the hearing for allocation of the proceeds of this Judgment and appear not.

The Court makes the following additional orders and findings as follows:

1. After hearing the evidence, the Court finds that the proposed allocation by Plaintiff, in accordance with discussions and recommendations of Lester and Janet Derley, is fair and

equitable and in the best interest of the parties.

2. The class members entitled to share in this Judgment, pursuant to R.S. Mo. § 537.080 are as follows:

- a. Johnna Derley, wife of decedent;
- b. Alyssa Derley, minor, daughter of decedent;
- c. Morgan Derley, minor, daughter of decedent; and
- d. Lester and Janet Derley, parents of decedent.

3. The Court further finds that attorney's fees to the law firm of Rubins, Kase, Hager, Cambiano & Bryant in the amount \$ 360,000 are fair and reasonable and ordered paid out of the proceeds of the Judgment; and that further expenses in the amount of \$ 74398.<sup>90</sup> are fair and reasonable and ordered paid out of the proceeds of the Judgment.

4. After the expenses and attorney's fees are satisfied the remaining funds of the Judgment should be distributed as follows:

- a. Johnna Derley \$ 225,601.<sup>10</sup> ;
- b. Alyssa Derley \$ 100,000 ;
- c. Morgan Derley \$ 100,000 ; and
- d. Lester and Janet Derley \$ 40,000 .

5. The monies allocated to the minor children Alyssa and Morgan shall be placed in a conservatorship with Johnna Derley, their natural mother and guardian, acting as conservator. Said monies to be used for the benefit of the children.

5. The Court further finds that costs of the proceeding should be taxed against Defendants in the following amount: \$ 15980.<sup>06</sup> .

6. The Court further finds the proposed distribution is fair, reasonable and necessary and that the attorney's fees and expenses are reasonable, necessary and are approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff, Johnna Derley,  
shall:

- (1) Collect and receipt for the payment of the Judgment;
- (2) Deduct and pay the attorneys fees and expenses as set out herein;
- (3) Acknowledge satisfaction of the Judgment and costs when paid;
- (4) Execute any and all other documents necessary to acceptance of the Judgment including satisfaction of the Judgment and with the filing of the satisfaction, the Judgment will be ordered released and satisfied of record; and
- (5) Distribute any net proceeds as ordered by the court;
- (6) Report and account therefore to the Court.

In this regard, the Court recognizes that Johnna, Alyssa and Morgan Derley have been receiving workers compensation payments pursuant to the Missouri worker's compensation law and that reimbursement is claimed pursuant to R.S.M.o 287.150 by the workers compensation insurer and that Plaintiff will have to pay same from the proceeds allocated herein to her and her children as required by Missouri law before she can make a final report to the court.

8 June 2006  
Date

William A. Knox  
William A. Knox, Judge